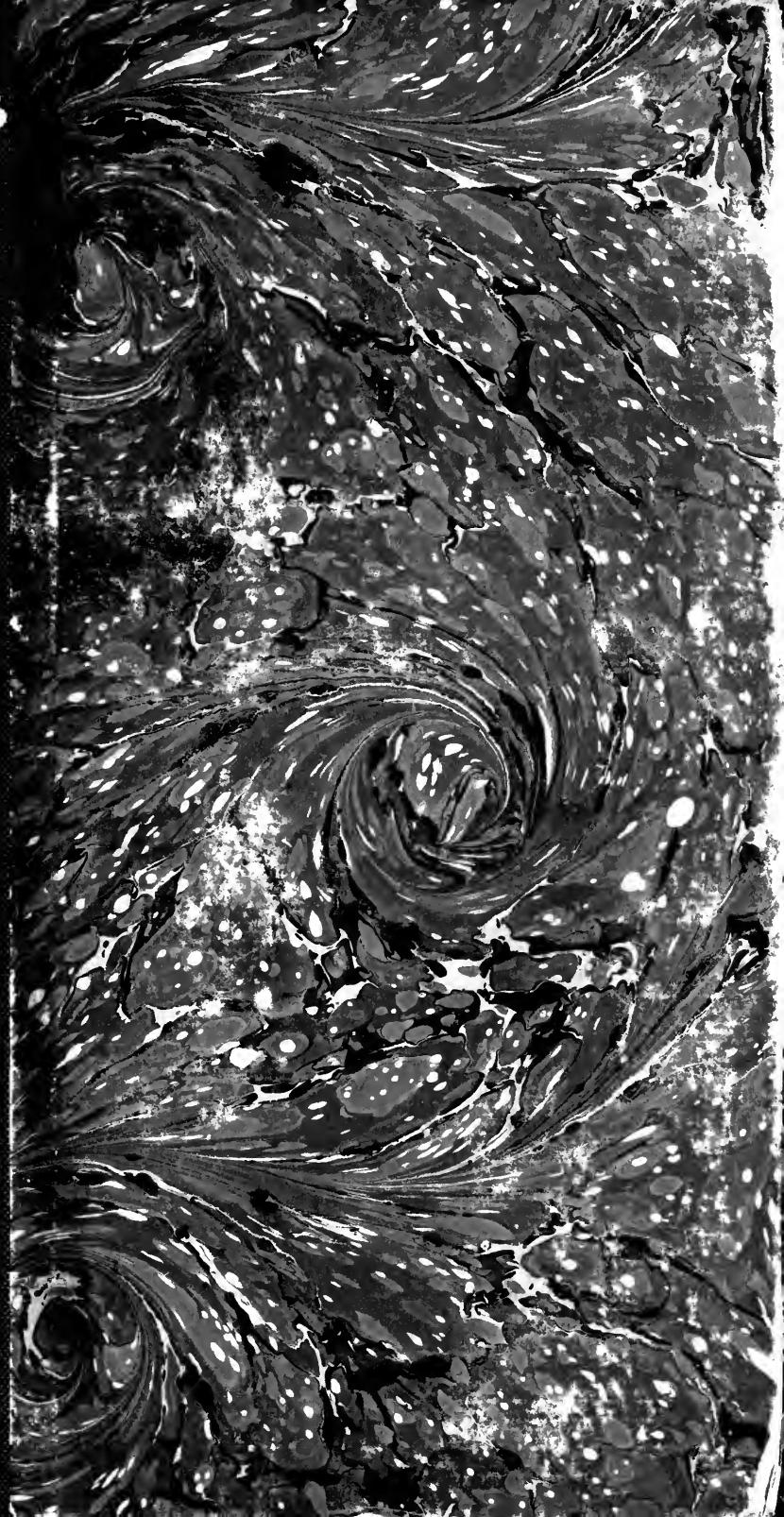


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S P E E C H  
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R I G H T H O N O U R A B L E  
G E N T L E M A N,  
[George Grenville]  
O N T H E  
M O T I O N  
F O R  
Expelling Mr. WILKES,  
FRIDAY, FEBRUARY 3, 1769,

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L O N D O N:  
Printed for J. ALMON, opposite Burlington-  
House in Piccadilly.

M DCC LXIX.

[Price One Shilling.]

1769



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## A D V E R T I S E M E N T.

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**M**INUTES of the following Speech having been taken at the time it was made, and some copies having been handed about, one of them fell into the possession of the publisher ; but before he would offer it to the public, he submitted it to the perusal of some Gentlemen, who had heard the Speech delivered, and whose accurate and retentive memories have supplied every defect in the minutes. He can therefore now venture to vouch for its authenticity ; and assures the public, it is really and literally what the title imports it to be, The Speech of a right honourable Gentleman, upon the motion for expelling Mr. Wilkes *the first time* from his seat in the present parliament for the county of Middlesex.

To prevent the reader from confounding the subsequent proceedings against Mr. Wilkes with that which gave occasion to this Speech, the fatal consequences of which are therein so clearly predicted, it may be proper to remark, that Mr. Wilkes was first elected for the county of Middlesex, on the 28th day of March, 1768 ; that he was expelled on the 3d of February, 1769, the day on which this Speech was delivered ; that he was rechosen for Middlesex the 16th day of the same month ; that his election was declared void, and himself declared incapable of being elected into the present parliament, on the 17th day of the same month ; that he was again elected on the 16th day of March, when no other candidate appeared, except Mr. Dingly, who had not one vote ; that his election was again declared void on the 17th day of the same month ; that on the 13th day of April he was returned by the sheriffs, as having 1143 votes, and Col. Luttrell only 296. That on the 15th day of the same month, the House of Commons voted, " That Mr. Luttrell *ought* to have been returned ; " and that Gentleman took his seat accordingly. That a Petition from several freeholders of the county of Middlesex having been presented against Mr. Luttrell on the 29th day of April, the House of Commons voted, on the 8th of May, " That Henry Lawes Luttrell, Esq; " is duly elected a Knight of the Shire, to serve in this " present Parliament, for the County of Middlesex."



## S P E E C H,

ON THE

MOTION for Expelling Mr. WILKES,

Friday, February 3, 1769.

*Motion made by Lord Barrington, and seconded  
by Mr. Rigby.*

THAT John Wilkes, Esq; a member of this House, who hath at the Bar of this House confessed himself to be the Author and Publisher of what this House has resolved to be an insolent, scandalous, and seditious Libel, and who has been convicted in the Court of King's Bench, of having Printed and Published a Seditious Libel, and three obscene and impious Libels, and by the judgment of the said Court has been sentenced to undergo twenty-two Months Imprisonment, and is now in Execution under the said Judgment, be expelled this House.

Mr. Speaker,

I have endeavoured to form my judgment with regard to this Question, which was not unexpected, upon the fullest and most impartial consideration; and having done

B so,

so, I do not think myself obliged to make the least apology to any individual, or body of men whatsoever, for the opinion which I shall deliver upon this subject.

I should indeed have wished that I could with propriety have declined delivering my sentiments concerning it, because I am thoroughly sensible that whatever my opinion shall be, it will be liable to great misconstructions and misrepresentations, both within these walls and without doors. If I give my vote for the motion as it was made to you, it will be said, that I do it from a cruel unrelenting disposition, to gratify a private and personal resentment for the abuse Mr. Wilkes has so liberally thrown upon me, and for that purpose under the mask of zeal for the cause of God and of the King, to persevere in loading an unhappy man, who, it has been frequently said in this House, has been already too severely oppressed by my means, or at least with my concurrence; or it would perhaps be attributed, especially after the temperate conduct which I have endeavoured to hold during this session, to an abject flattery to power, with the mean paltry view of obtaining court favour. On the other hand, if I give my vote against the expulsion of Mr. Wilkes, I shall be charged with levity and inconsistency, with changing my opinions as it may best suit my situation either in or out of office, with adopting new principles from new habitudes and

and connections, and with a factious design of courting popularity, and distressing all legal government, by supporting and protecting a man, whose behaviour I had so repeatedly and so heavily censured. If I know my own failings, revenge and cruelty are among the vices to which I am least inclined; and if I may trust to the reproaches thrown out against me by my enemies, I have been often accused of obstinacy and inflexibility of temper, but seldom or never I think with being too much disposed to alter my opinions according to the will of others, or to fail along the tide of popular prejudice. I should flatter myself therefore, that the charge of sacrificing principles to court favour or popular applause, could not with justice be applied to me, notwithstanding which I will again freely own, that I should have wished for many reasons not to have been under the necessity of deciding upon this Question; either one way or the other. But as it has been proposed to you, I think it would be a base and unworthy conduct meanly to hide my head or to run away from the difficulty. On the contrary, it is the duty of every honest man, if he is convinced that the judgment which he has formed is a right one, to declare it publicly in his place, to abide by it, and boldly to face any difficulties which may encounter it. I am under no restraint either from this or that side of the House, I know and feel my

own independence on both, and while I continue here, I will exert it, and upon this occasion execute an office greater than any which the wildest applause of the multitude can give, or than the King himself can bestow, greater than the office of First Commissioner of the Treasury, or either of the Secretaries of State. The honourable and noble office of speaking the truth, and of doing impartial justice. I will not palliate this man's offences, or try to move your compassion: for that would be to appeal to your weakness against your judgment, much less will I inveigh against him in bitter terms, and strive to excite your indignation: for instead of your weakness I should then apply to your wicked passions. With these sentiments I shall proceed to the immediate examination of the Question before you. And in the first place, I cannot agree with those who have urged in behalf of Mr. Wilkes, that this motion ought not to be complied with, because he is already the most unhappy, as well as the most oppressed and injured man that this age has seen: he is indeed unhappy, because he is guilty, and guilt must ever produce unhappiness; but in other respects, considering his repeated offences, he has certainly been more fortunate, than his most sanguine wishes could have expected: I mean not to enter into the detail of all that has happened to him, it would carry me too far, but to justify what

what I have said, let me ask a few questions. When he wrote that seditious libel against the King and both Houses of Parliament, could he foresee that he should be taken up by a General Warrant, against the declared opinion and desire of the two Secretaries of State, who repeatedly proposed to have his name inserted in the warrant of apprehension, but were overruled by the lawyers and clerks of the office, who insisted they could not depart from the long established precedents and course of proceedings. Could Mr. Wilkes foresee, that after an hundred years practice, under the eye of the greatest lawyers, before the supreme courts of justice, without being ever questioned in one single instance, that this irregularity and illegality would be first found out in his case, and afterwards adopted by the voice and clamour of the people upon the occasion of his apprehension? Had he been tried and convicted without this irregularity, what would have been his situation, and where his popularity and the liberal support which he has met with? What would have become of the large damages which he has already obtained by this means, or the immense sums which he now sues for, and on which he places his last dependance? Are these the proofs that he has been the most unfortunate, or is it more true that he has been the most oppressed and injured man this age has seen. Dr. Shebbeare was taken

en up by a General Warrant from the Secretary of State, dated 12 January, 1758, conceived word for word in the same terms, for writing the sixth letter to the people of England on the progress of national ruin, in which is shewn, that the present grandeur of France and calamities of this nation are owing to the influence of Hanover on the councils of England. Under this General Warrant all his papers were seized as in the case of Mr. Wilkes, and he was prosecuted for this offence by Mr. Pratt, then Attorney General, now Lord Chancellor of Great Britain. He was tried and convicted of it on the 17th of May, and on the 28th of November following he was sentenced to be fined, to stand in the pillory, to be imprisoned for three years, and then to give security for his good behaviour for seven years. The prosecution against Mr. Wilkes was directed by the unanimous address of both Houses of Parliament. He was tried and convicted by a favourable jury, for a libel certainly not less seditious or criminal than Dr. Shebbeare's. He was sentenced to be fined five hundred pounds, and to be imprisoned for one year instead of three years, and the ignominious part of the punishment was wholly remitted. He was tried and convicted likewise for being the author and publisher of the three obscene and impious libels, upon a prosecution directed in consequence of an address from the House of Lords,

Lords, for which he received exactly the same sentence as for the former offence. Was he for either of these offences, or indeed for all of them taken together, so severely dealt with as Dr. Shebbeare for one alone. I do not go any further back, tho' a multitude of similar instances, and some more severe even than that of Dr. Shebbeare might be produced within these last forty or fifty years. What I have already mentioned seems to me fully sufficient to shew, that Mr. Wilkes is not entitled to any extraordinary favour on the present occasion, from the plea of his having been the object of extraordinary severity during the course of the former proceedings. But, though not to favour, yet he is most certainly entitled to that justice which is due to every man, and which we ought to be more particularly careful to preserve, in an instance where passion and prejudice may both concur in the violation of it. These are principles which no one will dispute with me, and in consequence of them, after having thoroughly considered the charge contained in your Question, and the arguments urged in support of it, I am clearly of opinion, that I ought not to give my assent to the proposition which has been made to you; because if I did, I should thereby commit a capital injustice. I am sensible that the expression is a strong one, and that it is incumbent upon me to shew my reasons for applying it to the motion

tion now under your consideration, which I shall endeavour to do as fully and as satisfactorily as I am able.

\* Mr.  
Dyson.

I perfectly agree with the gentleman \* who has told you, that this House has a right to enquire into the conduct of its members, and that they have exercised that right in a great variety of instances, in which they have tried, censured and expelled them according to the established course of our proceedings, and the law of parliament, which is part of the law of the Kingdom. Let us examine the proposition now before you by this rule, and we shall then be able to judge, whether it is conformable to the usage and law of parliament, to the practice of any other court of justice in the kingdom, or to the unalterable principles of natural equity; or whether it is a new and dangerous mode of proceeding, unsupported by any precedent or example in the Journals of parliament, or the records of any other court, calculated merely to serve a present purpose, and as such, well deserving the term which I gave to it of a capital injustice. The charge contained in this motion consists of four articles, each of which it has been contended is sufficient singly to justify the conclusion drawn from them all put together, that Mr. Wilkes ought to be expelled. Upon this complicated charge, the House is now called upon to give a judgment for or against the question.

It

It is a well known and undeniable rule in this House, founded in common sense, that, whenever a question, even of the most trivial nature is complicated, and contains different branches, every individual Member, has an indubitable right to have the question separated, that he may not be obliged to approve or disapprove in the lump, but that every part of the proposition should stand or fall abstractedly upon its own merits. I need not shew the propriety and the absolute necessity for this; it is so self evident, that every argument I could urge in support of it would only weaken it. And surely if it holds good in all cases where we act only in a deliberative capacity, it will not be contended, that it is less true, or less necessary, when we are to exercise our judicial powers, when we are to censure and to punish, and to affect not only the rights of our own member, but the franchises of those who sent him hither as their representative. I may safely challenge the gentlemen, the most knowing in the Journals of this House, to produce a single precedent of a similar nature. And if none shall be produced, as I am convinced there cannot, am I not founded in saying, that this is a new attempt, unsupported by law and usage of parliament.

But this mode of proceeding is not only new and unprecedented, it is likewise dangerous and unjust. For the proof of it, let me recall to your minds what has passed in

\* Mr.  
Blackstone

the course of this debate; one very learned and worthy gentleman, \* who spoke early, declared, that he gave his consent to this motion for expulsion, upon that article of the charge alone, which relates to the three obscene and impious libels, disavowing, in the most direct terms, all the other articles, because he thought, that the libel relative to Lord Weymouth's letter was not properly and regularly brought before us, and that Mr. Wilkes, having been already expelled by a former parliament, for the seditious libel of the North Briton, ought not to be punished and expelled a second time by a subsequent parliament for the same offence. His argument was, that the former House of Commons, having vindicated the honour of the King and of Parliament, he hoped this House would not shew less zeal to vindicate the cause of God and of Religion. He spoke with a becoming zeal and indignation, raised, as he told us, by having read some of the wicked and impious expressions contained in the Record now upon your table. His opinions (which were soon after followed

+ Mr. Ser-  
jeant Nares.

by another learned gentleman, † who adopted the same train of reasoning) joined to the serious manner in which he delivered them, seemed to make great impression upon the House, and tho' I differ with him in his conclusion, yet I agree with him in his principles, and was glad to see this offence treated as it ought to be. For, if we treat it

it with mirth and levity, we in some measure justify the libel itself by our conduct, and share the guilt of the author. On the other hand, what were the arguments of the two noble lords\*, who spoke lately for the ex-pulsion? They agreed indeed with the learned gentlemen in the conclusion, but differed widely in the premises with regard to the articles of the charge on which they founded their judgment. They both disclaimed the article of the three obscene and impious libels as any ground for this proceeding. They expressed their disapprobation of the manner in which the copy of them was obtained from Mr. Wilkes's servant, and their doubts with regard to his intention to publish them. One of them therefore desired to draw a veil over that part of the charge, that it might no more be mentioned, and the other wished to bury the whole of that transaction in oblivion. The first, waving the rest of the charge grounded his assent to the motion upon the seditious libel of the North Briton; the latter, if I mistake not, upon the libel against lord Weymouth. These sentiments likewise seemed to meet with great approbation from many of your members. Another gentleman†, who is very conversant in the Journals of the House, and could not therefore but be sensible both of the novelty and danger of this proceeding upon such an accumulated and complicated charge, thought

\* Lord  
Frederick  
Campbell,  
Lord Pal-  
merston.

\* Mr.  
Dyson

it necessary to take a different ground. He seemed to waive the criminal parts of the charge, but insisted strongly upon Mr. Wilkes's incapacity of continuing a member of Parliament, arising from his imprisonment, which the House had declared to be no case of privilege, and from which they could not therefore discharge him.

I have stated these arguments, and I appeal to the House, whether I have misrepresented them. I might in the same manner go thro' the rest of this debate; I think not above two gentlemen, who have spoken together, have agreed in assigning the same offence as the proper ground for this expulsion. It is impossible to form any judgment concerning the sentiments of those who have not spoken, except from those who have, and from the approbation which has been given to what they declared. If I am to judge from thence, I should imagine, that the opinions of those who concur in this question of expulsion, are almost equally divided among the several branches of the charge contained in it; but however that may be, it is undeniably true, that great numbers of gentlemen approve of some parts of the charge, and disapprove of others, and so, *vice versa*. What then may be the consequence of blending the whole of this matter together? Is it not evident, that by this unworthy artifice, Mr. Wilkes may be expelled, although three parts in four of those

those who expell him should have declared against his expulsion upon every one of the articles contained in this charge. Would not this severe punishment be inflicted upon him, in that case, by a minority, against the sense and judgment of a great majority of this House? To explain this in a manner obvious to the apprehension of every gentleman who hears me, let me suppose, that an indictment were framed, consisting of four distinct offences, each inferring the penalty of death; charging for example that the prisoner on the first of May had committed treason, on the first of June murther, on the first of July robbery, and on the first of August forgery. Let me suppose any court of judicature in the kingdom ignorant and wicked enough to admit of, and to try the prisoner upon such a complicated indictment, notwithstanding any objection he could make to it. Might he not be found guilty of each of these offences by three different jurymen, and declared innocent by nine, and would he not in fact by this contrivance be condemned to death by three, although acquitted by nine? What would mankind, what would you yourselves say of such a sentence so obtained? Would you not think the term of capital injustice too soft an expression? Would you not call it the worst of murthers, a murther under the colour of law and justice? The punishment would indeed be different, because the offences

fences are so, but the mode of proceeding on the present occasion is exactly the same, and equally inconsistent with the law and usage of parliament, with the practice of every court of judicature in any civilized country, and with the unalterable principles of natural equity. But I will restrain my expressions, and leave this part of the Question to your own feelings, which I am persuaded will enforce it more strongly than any arguments of mine.

I have hitherto taken the whole of this complicated charge together, and have shown the dangerous consequences resulting from it; I will now unravel the web, and consider the different parts of it separately and distinctly. The first which presents itself is the libel relative to Lord Weymouth's letter, which has been new christened for this special purpose. It was complained of in the other House as a breach of privilege, and as a gross and impudent libel, which it certainly is, against a peer of the realm, and one of his Majesty's principal secretaries of state. But when it appeared to be written by Mr. Wilkes, it was to change its name and its nature. The particular complaint and all mention of the noble Lord concerned in it was to be dropped, and it became at once a matter of sedition against the state. With what view was this alteration made? Why did not the House of Lords address the King, to have it prosecuted by the Attorney General,

neral, in the same manner as was done with regard to the three obscene and impious libels which were written by the same person then a member of this House, and were likewise complained of as a breach of privilege against a peer of parliament? What was the motive for this difference of proceeding in the other House, on two offences of the same nature against the same person? It was not out of regard to us and to our privileges, for they well knew, that we had joined with them in a solemn declaration, that in this case there was no privilege, and they themselves had proceeded in consequence of it against this very man then a member of parliament, for a similar offence, without communicating it to the House of Commons. Can any reason be assigned for this, except a desire in their Lordships to shift the jurisdiction, and instead of sending it to the courts of law, where libels against ministers have hitherto always been tried, to transmit it to us to be punished, contrary to all precedent and example, by an extraordinary extension of our judicature? And will this House, whose peculiar duty it is to watch over and to guard the laws of the land from all encroachments, and who have looked with the most jealous eye upon every act which has the least tendency to exempt the peers of the realm, and their causes from that jurisdiction which is common to all, will this

this House, I say, lend its name to such an evasion, and extend its judicature for such a purpose? shall we take upon ourselves so odious an office, and answer such a demand at sight, with no other view, than to save their Lordships the difficulty and obloquy, which is the usual consequence of these prosecutions? If this attempt should succeed, and so easy and summary a method should be marked out for the punishment of those who shall libel ministers of state, this probably will not be the last application which we shall receive of this nature. We have enough to do, too much I fear, to maintain our own authority and dignity unimpeached, and surely the other House has sufficient power in themselves, with the assistance of the courts of law, to vindicate their members from every insult.

The next article is that of the seditious libel the North Briton, for which, the author and publisher was deservedly prosecuted, tried and convicted five years ago, in consequence of the unanimous address of both Houses of Parliament. He was likewise expelled by the last House of Commons for the indignity offered to *them* by one of their own members, of which *they* were the only judges, and which they alone could punish; a case so widely different from that of a libel on any particular person or minister of state, that it is quite unnecessary to do more than to mark it out to your observation.

For

For this libel of the North Briton Mr. Wilkes has been sentenced, and is now undergoing the punishment inflicted on him by Law. He has likewise been punished by expulsion from the former House of Commons for the particular offence committed against them. There is not a rule more sacred in the jurisprudence of this country, than that a man once acquitted or condemned, shall not be tried or punished again *by the same judicature* for the same offence. How many notorious criminals daily escape by the strict observance of this rule, and yet the principle of it is so salutary, and so deeply rooted in the minds of men, that no one dares to set his face against it, and to avow an intention to break through it. It was but a few days ago that I spoke and voted to restrain Mr. Wilkes from entering into the greater part of his petition, because the subject matter of his complaint had been fully heard, and the parties to it duly acquitted by the last House of Commons. The House, after long debate, adopted the reasoning, and Mr. Wilkes was restrained accordingly.

And shall I, within the little space of a few days, forget every argument which I then used against him, and declare without shame that the same rule of law, which was conclusive when urged in behalf of his adversaries, should in the same cause be of no avail when pleaded in his favour. Is this

that consistency upon which I, and those who hear me, are to value ourselves? I have not taken up that sacred principle so lightly, nor will I so wantonly depart from it. Permit me to give you an instance of it. Many years ago, a proposition was made to allow of a revision of the sentence of a court martial. The Question was solemnly argued.

I then sat at the treasury board with a minister \* for whom I had the highest personal regard and respect; and yet

in opposition to him, and to the sentiments of those †, with whom I was connected by the nearest ties both of blood and friendship, I repeatedly voted and spoke against that revision, in conjunction with a noble person ‡, who then sat at the same

board with me, and an honourable gentleman ||, an officer of the army, who afterwards held the office of one of his Majesty's Principal Secretaries of State, who now

hears me, and to whom I appeal for the truth of what I have said upon this subject. Is not this the revision of a sentence given in a former parliament in order to encrease it? And if this motion for the expulsion of

Mr. Wilkes, as grounded upon that offence, shall prevail, will he not be twice expelled and twice punished for one crime by the same judicature, in direct violation of that salutary principle, to the truth of which we ourselves have so lately assented.

\* Mr. Pelham.

† Lord Temple and Lord Chatham.

‡ Lord Lyttleton.

|| General Conway.

The

The third article contained in the charge is for Printing and Publishing three impious and obscene Libels, under the title of the Essay upon Woman ; I trust that none who hear me, I am sure that no one who knows me will believe, that I mean to palliate that crime, or the seditious and dangerous Libel which I have just now mentioned. I will go further, I cannot agree with those who think, that the papers relative to it were obtain'd by those who prosecuted him in any undue or improper manner. The contrary has appeared by Mr. Wilkes's own evidence a few days ago. That Prosecution was begun in another place, and I had nothing to do with it ; but in justice to those who were concerned, I must say, that there was not the least foundation for all that calumny that has been propagated with regard to the manner of obtaining them, for the truth of which I appeal to the examination which the House has so lately made on Mr. Wilkes's petition upon that subject. I must therefore freely declare, that this observation has no weight with me. The other part of the objection is founded upon the evidence given at your Bar, that Mr. Wilkes had directed only 12 copies of them to be printed, and had strictly ordered, that they should all be delivered into his own hands, from whence it is urged, that he had no intention to publish them at large. This may be indeed a circumstance of alleviation,

which I am the more authorised to say, as I am informed it was mentioned by the learned judge \*, in mitigation of the sentence given against him in the court of King's Bench. But the strongest plea in his defence upon this head is, that the crime was committed five years ago, that the law has already punished it, that the last House of Commons, though they were not ignorant of it when they proceeded against him, and certainly were not partial to him, yet, as they were not particularly concerned in it, did not think it right for them to interfere in it. It might therefore be thought a hardship to him to let it pass unnoticed by them, and many years after to transfer it to another parliament, and to reserve it in so unusual a manner for a fresh censure.

The last article of this complicated charge is, that Mr. Wilkes has been sentenced by the judgment of the court of King's Bench to undergo twenty-two months imprisonment, and that he is now in execution under that judgment. This circumstance has been principally relied upon and enforced by a gentleman †, who has labour'd very strongly to prove that, as Mr. Wilkes is thereby disabled from taking his seat, and doing his duty for sixteen months to come, this disability alone is a proper and sufficient ground to justify the proposition which has been made to you for expelling him. You have been told very truly, that his constituents

<sup>† Mr. Dy-</sup>  
<sub>ion.</sub>

have

have the clearest and most undenialble right to the attendance of their representatives in parliament, that there is no privilege which we are or ought to be so tender of as to free our members from the least restraint, which may prevent or even interrupt them in the exercise of this duty, that this consideration is of such infinite moment, that the usual course of justice in all civil cases is to give way to it and be suspended, in order to preserve the right of our constituents from being violated in the smallest degree : that we have already declared, that Mr. Wilkes is not entitled by privilege of parliament to be discharged from his imprisonment, and that we have no other method to enforce the attendance of our member : that under these circumstances he would for a long time to come be utterly disabled from performing that duty which he owes to his constituents, unless the king should be pleased to pardon him, which would in effect be leaving to the option of the crown to determine, whether one of our members should or should not take his seat in this House. I entirely concur with the general positions which have been laid down as the foundation of this argument, but I differ extremely in the consequences which have been drawn from it, and think that I can shew to a demonstration, that by the law and constant usage of parliament, the inability of attending his duty for the space of a year or two has never been deemed a sufficient

sufficient reason for the expulsion of a member. I say his inability, for his imprisonment has justly been stated, not as a fresh crime, but as an inability in him to attend, and in the House to reclaim him. The proposition therefore is, that whenever a member is restrained from doing his duty here, and that the House cannot compel his attendance without the immediate interposition and consent of the Crown, in all such cases the House is bound by the law and practice of parliament to proceed to an expulsion of the member so disabled.

Let us see how far this doctrine is warranted by former precedents. Not one has been produced in support of it. On the contrary, need I put that gentleman in mind of a multitude of examples, many of which have happened in our own time, which prove the very reverse of it. Does he not remember the case of lord Barrymore and Sir John Douglas, both of them members of this House, who were imprisoned upon the suspension of the Habeas Corpus Act for a longer period of time than Mr. Wilkes, and who could not be deliver'd from that imprisonment without the interposition and consent of the Crown? many cases of a similar nature must be fresh in the memory of us all, but there is one which I cannot mention without a particular respect and reverence to the person concerned in it. I mean the case of Sir William Wyndham.

He

He was imprisoned in the Tower for upwards of two years, during which time the county which he represented, and the public in general, were deprived of those services for which he was so eminently qualified, and which he performed with so much honour to himself and advantage to them. But though the times were warm and violent, and many wished to get rid of those abilities which they were well acquainted with, yet no man ventured in that or any of the other instances to maintain the doctrine now laid down, that because the parties were restrained from their attendance here by a legal imprisonment, from which this House could not deliver them without the interposition and consent of the Crown, they therefore ought by the law and constitution of Parliament to be expelled. I am well aware that in these cases it may be said, the parties had not been convicted, that there is therefore a great difference as to the certainty of the crime imputed to them. It is true, and God forbid that I should draw any parallel of that kind, but with regard to the restraint abstracted from the crime, which is made the only foundation of this part of the argument, it is exactly the same as in the present instance. Nor will the consequences stop here; if it should be admitted that this argument is well founded; I am convinced the gentleman who urged it was not aware of them. Would he wish that

that all those whom the king can by law restrain from their attendance in this House for the space of 15 or 16 months, and who are thereby unable to discharge the duty which they owe to their constituents. Would he wish, I say, that they should be all declared, *ipso facto*, incapable of sitting in parliament after that restraint shall be ended; has he forgotten how many officers, both in the land and sea service, whilst they were members of this House, were absent for many years together, during the late war? Are there not many in the same situation, who are at this very time actually employed upon military services in our garrisons abroad? Can they leave that duty without the interposition and consent of the Crown; or, if they cannot, will it be contended, that they are disabled from ever returning amongst us, and that their seats are thereby vacated. This doctrine, if true, would prove, that the gentlemen of the Army and of the Navy, who from the nature and condition of the respective services, are at all times liable to this objection, are for that reason not eligible into this House, and would be the strongest argument for an act of parliament declaring their incapacity. Many other cases might be put of temporary disabilities, even for a longer space of time, which have never been, and I believe never will be deemed proper grounds for an expulsion. I shall not however state them parti-

particularly, because those which I have already stated will surely be sufficient to convince the House, that this proposition is directly contrary to the practice, and that it has never been warranted in any one instance by the law and usage of parliament.

But it has been urged, whatever may be the case in point of form, with regard to the several articles contained in this question, whether taken together as an accumulated and complicated charge, or considered separately and distinctly, yet this House must necessarily be the judges, whether any member of their own is or is not a fit person to sit amongst them, and it has been argued, that if the last parliament thought him unfit, the present has certainly an equal right to adjudge that he is so. It has been asked, what merit has he had since that time to recommend him, and to induce the present parliament to think him a properer man to sit amongst them, than he was to sit among their predecessors. This would indeed be a conclusive argument, if we really had that discretionary power of excluding all those whom we think improper upon which it is founded. But we have no such general authority vested in us, nor is there a single precedent where we have pretended to exercise it. Whenever this House has expelled any member, it has invariably assign'd some particular offence as the reason for such expulsion. By the fundamental principles of

this constitution, the right of judging upon the general propriety or unfitness of their representatives is entrusted with the electors, and when chosen, this House can only exclude or expell them for some disability established by the law of the land, or for some specific offence alledged and proved. If it were otherwise, we should in fact elect ourselves, instead of being chosen by our respective constituents. If I had been one of the electors for the county of Middlesex, I should have shown by my vote the opinion which I entertained with regard to the conduct and character of Mr. Wilkes, and to the propriety of choosing him a knight of the shire for that county. I had not only a right, but it would have been my duty to have manifested that opinion. But when he is chosen and returned hither; my duty is widely different. We are now acting in our judicial capacity, and are therefore to found the judgment which we are to give, not upon our wishes and inclinations, not upon our private belief or arbitrary opinions, but upon specific facts alledged and proved according to the established rules and course of our proceedings. When we are to act as judges, we are not to assume the character of legislators, any more than the Court of King's Bench, who were bound to reverse Mr. Wilkes's outlawry if they found any irregularity in it, tho' possibly they were convinced in their private

private opinions, that it would have been more beneficial to the state to have confirmed it. If we depart from this principle, and allow to ourselves a latitude of judging in questions of this nature, if we are to admit those whom we think most proper, and to expell those whom we think most improper, to what lengths will not this doctrine carry us? There never was a parliament chosen, into which there were not some persons elected whom the greater part of the House thought unworthy of that honour. I speak of former parliaments, and it becomes us to be careful that posterity should not speak still worse of us. Let me suppose for a moment, that this were true, to a certain degree even in the present parliament, and that it were carried still farther from party prejudice, or from motives less defensible. This would indeed be the sure means of purging the House effectually from all ill humours within these walls, and of dispersing them at the same time through every corner of the kingdom. But if this summary mode of reasoning was really meant to be adopted, there was certainly no occasion for our sitting four or five days and nights together, to decide a question, which might as well have been determined in so many minutes. I cannot therefore bring myself to think, that any gentleman will avow the proposition to this extent. But perhaps some may wish to shelter themselves

under the other part of the argument, and may contend, that a Man who has been expelled by a former House of Commons cannot, at least in the judgment of those who concurred in that sentence, be deemed a proper person to sit in the present parliament, unless he has some pardon to plead, or some merit to cancel his former offences. They will find upon examination that this doctrine is almost as untenable as the other. Votes of censure, and even commitments by either House of Parliament acting in that capacity only, determine, as it is well known, with the session. There are indeed some instances, where in matters of contempt and refusal to submit to the orders of the House, the proceeding has been taken up again in a following session. But to transfer an expulsion from one parliament to another, and by this means to establish a perpetual incapacity in the party so expelled, which must be the consequence of it, as this objection will hold equally strong in any future parliament as in the present. This I say, would be contrary to all precedent and example, and inconsistent with the spirit of the constitution. I could cite many precedents to prove the first part of my assertion, but one alone will be sufficient for my purpose, because that is so signal, and so memorable in all its circumstances, as to render any confirmation or enforcement of it quite unnecessary. In quoting this precedent I beg leave

leave to say, that I do not intend to throw any imputation on any person whatsoever, I neither mean to acquit or to condemn those who were parties to it, but merely to state the fact as it appears from your journals, and then to submit the result of it to the judgment of those who hear me. The case I allude to was that of Mr. Walpole, who was afterwards first minister to king George the First and king George the Second for the term of twenty years and upwards, On the 17th of January 17 $\frac{1}{2}$  he was voted by the House of Commons guilty of a high breach of trust and notorious corruption, in receiving the sum of 500 guineas, and taking a note for 500 pounds more on account of two contracts made by him when secretary at war, pursuant to a power granted by the lord treasurer, and for this offence he was committed prisoner to the Tower and expelled the House. He was immediately re-elected, but declared incapable of being chosen during that parliament. However, on the dissolution of it a year and a half afterwards, he was again chosen into the new parliament, was admitted to take his seat without the least question or objection on account of his former expulsion, and continued a Member of the House of Commons in every subsequent parliament till the year 1742, when he was created earl of Orford. It cannot be denied that the offence was in its nature infamous, and such a one

as rendered the person guilty of it unfit to be trusted with the power to give, or to manage the public money. The same party that expelled him, whose enmity was aggravated by his great talents and knowledge of business, continued equally adverse to him, and equally prevalent in the new parliament; but however desirous they were to get rid of him, and however violent upon many other occasions, yet in the very zenith of their power, they did not dare to set up this pretence, or to urge the expulsion of a former parliament, although not two years before, as a sufficient ground for re-expelling or declaring him incapable of sitting in a new parliament. If this could have been attempted, every circumstance concurred to make them wish it. The crime itself was breach of trust, and notorious corruption in a public officer relative to public money, an offence in the eye of parliament certainly not less infamous or less criminal than writing and publishing a seditious libel. Few if any were more obnoxious, or more formidable to them than the gentleman who had been the object of their justice or resentment. The heat of party rage had been pleaded in excuse, if not in justification of many extravagancies on both sides, but they thought this measure beyond the mark of a common violence, and therefore dared not to attempt it. I have said before, that it

was

was not my intention to approve or to blame the censure then passed upon that extraordinary man. It was the subject of great discussion and altercation at the time: I do not wish to revive past heats. The present are more than sufficient, and all wise and good men should endeavour by justice and moderation to allay them. Let us therefore take it either way. Let us suppose, that he was guilty or innocent of the charge to the utmost extent, and then let us consider how the case will apply to that part of the question which is now before us. The crime, as it related to a fraud concerning the public revenue, was certainly under the immediate cognizance of this House, and was perhaps punishable in no other manner. They punished it as severely as they could, both by imprisonment and expulsion; the former of which ended in a few months, and the consequences of the latter in a year and an half. If he was guilty of a high breach of trust and notorious corruption, he was certainly very unfit to be invested with the most sacred trust in the kingdom, that of a member of the legislature. Had the Question been asked upon that occasion likewise, what merit he had after his first expulsion to recommend him to the subsequent parliament? The answer must have been, that he had persisted in justifying what he had done, that he had appealed not only to his electors, but to the world at large in more than

than one printed pamphlet, accusing the House of Commons which had condemned him, of violence and injustice. With all these aggravations, and with every other inducement, what could have protected him, what could have prevented his re-expulsion, but the notoriety and the certainty that such a measure was not consistent with the known law and usage of parliament, even when exerted against a guilty and obnoxious man? This is the state of the argument upon that supposition; but if we take the other part of the alternative, and suppose that he was innocent of the charge, the proposition would be much stronger, we must then consider him in the light of a man expelled by party rage, or on worse motives, not for his crimes but for his merit, not that he was unfit, but that he was too well qualified for the trust reposed in him. What would have been the consequence, if this doctrine of transferring the disability incurred by a former sentence to a subsequent parliament had been then established. The public and this House would have been deprived for ever of those services, which from his knowledge and talents they had a right to expect, and which they so much relied upon, particularly in the important business of the finances of this kingdom, and that gentleman and his family would have been precluded, irreparably precluded, by an unjust judgment, from those great emoluments and

and high honours which were conferred upon him by two successive kings, as the rewards of his administration. That loss however would have been the misfortune of individuals, but a much heavier, a much more extensive misfortune would have befallen the parliament and the constitution, if so dangerous a precedent had taken place. An easy and effectual plan would have been marked out to exclude from this House for ever, by an unjust vote once passed, any member of it who should be obnoxious to the rage of party, or to the wantonness of power. Let not your prejudices, let not your just resentments against the conduct and character of the man, who is now the object of our deliberation, prevail upon you to ground any part of your proceedings upon such destructive and fatal principles. Consider that precedents of this nature are generally begun in the first instance against the odious and the guilty, but when once established, are easily applied to and made use of against the meritorious and the innocent: that the most eminent and best deserving members of the state, under the colour of such an example, by one arbitrary and discretionary vote of one House of Parliament (the worst species of Ostracism) may be excluded from the public councils, cut off and proscribed from the rights of every subject of the realm, not for a term of years alone, but for ever: that a claim of

this nature would be to assume to the majority of this House alone, the powers of the whole legislature; for nothing short of their united voice, declared by an act of parliament, has hitherto pretended to exercise such a general discretion of punishing, contrary to the usual forms of law, and of enacting such a perpetual incapacity upon any individual. There are indeed some instances

\* Bills of Pains and Penalties. of the latter \* kind in our statute books, but even there they have been frequently animadverted upon, and heavily censured as acts of violence and injustice, and breaches of the constitution. Let us remember the well known observation of the learned and sensible author of *L'Esprit des Loix*, who states it as one of the excellencies of the English constitution, of which he was a professed admirer, “ that the judicial power is separated from the legislative;” and tells us, “ that there would be no liberty if “ they were blended together, that the “ power over the life and liberty of the “ citizens would then be arbitrary; for the “ judge would be the legislator.” Shall we then, who are the immediate delegated guardians of that liberty and constitution, shall we set the wicked example, and attempt to violate them to gratify our passions or our prejudices? And for whom and upon what occasion? Not to preserve the sacred person of sovereign from assassination, or his kingdoms from invasion or rebellion,

rebellion, not to defeat the arbitrary designs of a desperate minister or a despotic court \*, \* Lord Strafford's Bill.  
 but to inflict an additional punishment upon a libeller, who appears by the question itself to have been convicted of the greater part of his offences by due course of law, and to be in actual imprisonment at this moment, under a legal sentence pronounced by the supreme court of criminal justice in consequence of that conviction. Can we say, that there are not laws in being, to preserve the reverence due to the magistrate, and to protect the dignity of the crown from scandalous and seditious libels? Are they not sufficient, if temperately and firmly executed, to punish and to deter the most daring from the commission of those offences. If they are, for what purpose is this application? If they are not, can the proposition now made to you be deemed the proper or the effectual method of enforcing them?

This brings me to the only part of the question which I have not yet touched upon; I mean the propriety and wisdom of this measure; supposing even that it were clearly warranted by the law of the land, by the law and usage of parliament, by the spirit of our constitution, and by the general principles of natural justice: the contrary of which I think I have manifestly shown in every one of those particulars. What then are the motives of propriety and wis-

dom by which we are called upon to come into this extraordinary resolution ? I shall probably be told, that it is to check and to restrain the spirit of faction and disorder, to re-establish the credit and authority of government, and to vindicate the honour of this House, by expressing our abhorrence of these offences. No man has been more desirous to attain these necessary purposes than I have been, or will now set his foot farther for the accomplishment of them by all just and legal means, in every instance consistent with the public safety. I have not changed my sentiments relative to Mr. Wilkes, of whom I continue to think exactly in the same manner as I have long done ; but, whatever my sentiments are, it cannot be denied, that he is now become an object of popular favour. Nor is that popular favour confined to this capital, or to its neighbourhood alone, but is extended to the distant parts of the kingdom. The temper of the people you have been truly told, has on several occasions appeared to be disorderly and licentious, spurning at the laws and at all lawful authority. The difficulties we have to struggle with, arising from the interior condition of this country, from the disobedience of our colonies, and from the state of our foreign affairs, are augmented to such a degree, as to form a very dangerous crisis. The respect and reverence due to the parliament, and the confidence

confidence reposed in this House, are visibly diminished. Under these circumstances does it not behove us to be doubly cautious, not to exceed the strictest bounds of law and of the constitution? Is it not more adviseable, if the case can admit of a doubt, to conciliate the heated minds of men by temper and discretion, than to inflame them by adding fresh fuel to discontent? Our situation, I am sure, demands the firm support of an united people, and their affectionate reliance upon the wisdom of those who govern them. Till that can be restored, at least in some measure, we may look around for order and for obedience in vain. If his Majesty's servants can think that this proceeding is the likely means to restore it, let them, for the sake of this House, whose existence depends upon the good opinion of our constituents, as their happiness does upon us. Let them for their own sakes, consult that best guide to all human wisdom, the experience of past times, and where can they consult it more properly than in the history of our own country. There they will find some of the ablest ministers and the most victorious generals that any age could boast of, disgraced and overturned in the midst of their success and triumph by a popular clamour of the danger of the church. The reverend incendiary Dr. Sacheverell, was unwisely prosecuted by this House. He became by that means the favourite and the idol

idol of the people throughout England as much, nay more, than Mr. Wilkes is now. The Queen herself was stopped and insulted in her chair during the trial, with God save Dr. Sacheverell. I heartily wish that no similar insult may have been offered to our present sovereign. The prosecution went on and the ferment encreased. The event verified a famous expression in those days, “ that “ the whigs had wished to roast a parson, and “ that they had done it at so fierce a fire, “ that they had burnt themselves,” for the ministers were dismissed, and the parliament dissolved. The reverend doctor, the mob idol, when he ceased to be a martyr, soon sunk into his original insignificancy, from which that martyrdom alone had raised him. Mr. Wilkes, apprehensive of the same fate, and thoroughly sensible, that the continuance of his popularity will depend upon your conduct, uses every means in his power to provoke you to some instance of unusual severity. Suppose that you could otherwise have doubted of it, yet his behaviour here at your bar, when called upon to justify himself, is fully sufficient to prove the truth of what I have asserted. If he had intended to deprecate your resentment, and to stop your proceedings against him, he is not so void of parts and understanding, as to have told you in the words he used at the bar (when charged with writing the Libel against lord Weymouth) “ that he was only sorry

" sorry he had not expressed himself upon  
 " that subject in stronger terms, and that he  
 " certainly would do so whenever a similar  
 " occasion should present itself ; " nor would  
 he have asked, " whether the precedents quo-  
 " ted by lord Mansfield were not all taken  
 " from the *Star Chamber*." If he had wished  
 to prevent his expulsion, he would have em-  
 ployed other methods to accomplish his  
 purpose ; but his object is not to retain his  
 seat in this House, but to stand forth to the  
 deluded people as the victim of your re-  
 sentment, of your violence and injustice.  
 This is the advantage which he manifestly  
 seeks to derive from you, and will you be  
 weak enough to give it to him, and to fall  
 into so obvious a snare ? What benefit will  
 you gain, or what will he lose, if this mo-  
 tion for his expulsion shall take effect ?  
 Whatever talents he has to captivate or to  
 inflame the people without doors, he has  
 none to render him formidable within these  
 walls, or to combat the weighty and power-  
 ful arguments which ministers know how  
 to employ. He has holden forth high  
 sounding and magnificent promises of the  
 signal services which he will perform to his  
 country in parliament, and there are many  
 who are ignorant and credulous enough to  
 believe them. Whenever he comes here,  
 I will venture to prophecy that they will be  
 grevously disappointed. That disappoin-  
 ment will be followed by disgust and anger,

at their having been so grossly deceived, and will probably turn the tide of popular prejudice. But as soon as he shall be excluded from this House, they will give credit to him for more than he has even promised. They will be persuaded, that every real and imaginary grievance would have been redressed by his patriotic care and influence. If in this situation, any untoward accident, any distress shall befall us, the ferment will be increased by this circumstance, and the language of an uninformed and misled people will be, "aye, if master Wilkes had been in " the House he would have prevented it ; " they knew that, and therefore would not " suffer him to come amongst them." Such will be the reasoning, and such the consequences attending this measure ; but they are not the only consequences which ought to be weighed and considered, before you engage in it. Look a little forward to the course of your future proceedings, and see in what difficulties you will involve yourselves. In the present disposition of the county of Middlesex, you cannot entertain a doubt, but that Mr. Wilkes will be re-elected after his expulsion. You will then probably think yourselves under a necessity of expelling him again, and he will as certainly be again re-elected. What steps can the House then take to put an end to a disgraceful contest, in which their justice is arraigned, and their authority and dignity essentially

ly compromised. You cannot, by the rules of the House, rescind the vote for excluding Mr. Wilkes, in the same session in which it has passed, and I know but two other methods which you can pursue. They have both been the subject of common conversation, and are both almost equally exceptionable. You may refuse to issue a new writ, and by that means deprive the freeholders of this county of the right of chusing any other representative, possibly for the whole term of the present parliament. There are some examples of this kind in the case of corrupt boroughs, where this House has suspended the issuing a new writ for the remainder of a session, as a punishment upon the voters for the most flagrant bribery; but I cannot believe, that it will be thought just or advisable to inflict the same punishment during the term of a whole parliament, instead of a single session, upon the electors of a great county, for no crime, except that of refusing a man whom this House had censured and expelled. If you do not adopt this proceeding, the other alternative will be to bring into this House, as the knight of the shire for Middlesex, a man chosen by a few voters only, in contradiction to the declared sense of a great majority of the freeholders on the face of the poll, upon a supposition, that all the votes of the latter are forfeited and thrown away on account of the expulsion of Mr. Wilkes.

If such a proposition shall ever be brought before us, it will then be time enough to enter into a full discussion of it; at present I will only say that, I believe there is no example of such a proceeding, that if it shall appear to be new and unfounded in the law of the land, nay, if any reasonable doubt can be entertained of its legality, the attempt to forfeit the freeholders votes in this manner will be highly alarming and dangerous. Are these then the proper expedients to check and to restrain the spirit of faction and of disorder, and to bring back the minds of men to a sense of their duty? Can we seriously think they will have that salutary effect? Surely it is time to look forwards and to try other measures. A wise government knows how to enforce with temper, or to conciliate with dignity, but a weak one is odious in the former, and contemptible in the latter. How many arguments have we heard from the administration in the course of this session, for conciliating measures towards the subjects in the American colonies, upon questions where the legislative authority of Great Britain was immediately concerned? And is not the same temper, the same spirit of conciliation, at least equally necessary towards the subjects within this kingdom, or is this the only part of the King's dominions where it is not advisable to show it? Let not any gentleman think, that by conciliation I mean a blind and base compliance

ance with popular opinions, contrary to our honour or justice; that would indeed be unworthy of us. I mean by conciliation, a cool and temperate conduct, unmixed with passion, or with prejudice. No man wishes more than I do to stop any excess on either side, or is more ready to resist any tumultuous violence founded upon unreasonable clamour. Such a clamour is no more than a sudden gust of wind which passes by and is forgotten; but when the public discontent is founded in truth and reason; when the sky lowers and hangs heavy all around us, a storm may then arise, which may tear up the constitution by the roots, and shake the palace of the King himself. As for me I have given my opinion, and I have chosen to do it without concert or participation. I can assure the House, that some of my nearest friends did not know the part which I should take. I determined not to tell it, that I might keep myself unengaged and free to change it, if I thought proper, during the course of the debate. I do not mean by this to say, that I came into the House without having formed an opinion; on the contrary, I had weighed and considered it thoroughly, and my judgment upon it is the result of my most serious deliberation. I know not what others may think, or who will act with me upon this occasion. Those who were once my friends may have adopted other ideas and other principles, and even

those who still continue to be so, may possibly entertain different sentiments from mine upon this subject. That consideration must not prevent me from doing justice, but God forbid, that they should not exercise the same liberty, and follow their opinions, as I do mine. They know that I have not asked one of them to attend during any part of this business, nor have I desired their concurrence. Many of them sit around me, and I appeal to them for the truth of what I have said. Thus far then I have discharged my duty, with no other view, but to do that which appears to me most conformable to the ends of justice and of the public welfare, most for the safety and honour of the king and the kingdom. Whilst my little endeavours can contribute but a mite to these great purposes, I will continue to exert them as freely as I have now done; but whenever the violence or corruption of the times, either within or without these walls, will not permit me to follow those dictates uncontrouled, I will leave this place and retire from an assembly, which can no longer be called a free parliament. Many extravagancies committed by Mr. Wilkes and his adherents have been urged, and even magnified, as if they could justify any extravagance of power to repress them. It has been asked, are these offences to pass unpunished, and are we not to vindicate our own credit, as well as that of the government,

government, by expressing our abhorrence of them? Have I been an advocate for their passing unpunished? Have I stopped or neglected to enforce the censure of the law? Was he not prosecuted, tried and convicted, and when he left the kingdom to avoid his sentence, was he not outlawed? Let me go farther. Had Mr. Wilkes ventured to return home whilst I had the honour to be entrusted with the executive powers of the state, he should not have remained out of custody four and twenty hours, without submitting himself to the justice or the mercy of the King, whom he had so grievously offended. He knew it, and therefore did not return till he met with more encouragement. This surely was not the behaviour, nor is this the language of one of his partizans. Compare it with the conduct of those who now hold the chief office and authority of the government, and who call so loudly for vengeance and for punishment. Did they not give their support to him abroad after his conviction and outlawry, and keep up an intercourse and correspondence with him, even whilst they were the King's ministers? Was he not permitted to return to England, to appear publicly in this capital, for months together, and to walk daily under the windows of the palace unmolested, unconfined, and unpunished? They could not plead ignorance of the seditious libel against the

the King and both Houses of Parliament, nor of the three impious libels contained in the Essay upon Woman, for all of which he had been legally tried and convicted. Why then was he not called to his sentence, and the laws carried into execution, agreeable to the solemn assurances given by the King in answer to both Houses of Parliament, when they jointly addressed his majesty to carry on this prosecution? What was become of the executive power, and how were those who were invested with it justified in suspending the usual course of the law, against the express direction of the King, enforced by the recommendation of both Houses of Parliament? What were the inducements at that time to such extraordinary favour and lenity, and what are now the motives for this extraordinary resentment and severity? The first circumstance which seems to have awakened their attention, was Mr. Wilkes offering himself a candidate for the city of London and the county of Middlesex, against the inclination of the ministry: but the proceedings against him were then carried on like the feeble efforts of men not half awake, or not half in earnest. Many days passed over before the officers of the crown would venture to execute the common process of the law for apprehending him; and to obviate this difficulty, they had at last recourse to the shameful expedient of stipulating with Mr.

Mr. Wilkes himself, the terms upon which he would consent to be taken into custody. To follow that precedent you ought now at least to ask him, upon what terms he will consent to be expelled. Perhaps, if properly applied to, he may condescend to this request as graciously as he did to the former, and as voluntarily as he surrendered himself a prisoner, when he was taken with impunity out of the hands of the officers of justice by twenty persons, almost in sight of the court of King's Bench then sitting in Westminster hall. Such was the firm and spirited conduct by which the supreme authority of the laws was supported and preserved. The outlawry was reversed for an error so trivial, that the court of King's Bench declared when they reversed it, that they were almost ashamed to mention it. When the judgment was given, the first law officer of the crown in demanding it did not think proper to enforce the penalty according to custom, and it was therefore milder than usual. In the first session of this parliament, Mr. Wilkes was returned a member of it, and suffered to continue without any notice taken of him! The beginning of the present session passed in the same manner. What is it then which has roused the languid spirit of administration, and called down the vengeance of the House of Commons of Great Britain? Not the seditious and dangerous libel of

the

the North Briton, not the impious libels of the Essay upon Woman, not all the extravagancies which have been urged in this day's debate; all these were known before; and were not deemed sufficient for the exertion of the common censures of the law; but he has since presumed to write an insolent libel upon a secretary of state. This it seems is that capital and decisive offence, which is to raise our indignation to its highest pitch. The honour of our King, and the reverence due to our Religion, were passed over in silence and forgotten. They are now to be thrown into the scale, to make up the weight, and to induce us to espouse the quarrel of a minister. To accomplish this important purpose, we are to violate not only the forms, but the essence of our constitution. The House of Commons is to blend the executive and judicial powers of the state with the legislative, to extend their jurisdiction, that they may take upon themselves the odium of trying and punishing in a summary manner, an offence which does not relate to themselves, but is under the immediate cognizance of the courts of law. In the exercise of it they are to form an accumulative and complicated charge, which no other court, nor even they themselves, have ever admitted in any other instance. They are to mingle up new crimes with old, and to try a man twice by the same judicature for the same offence.

They

They are to transfer the censures of a former parliament, contrary to all precedent, and to make them the foundation of the proceedings of a subsequent one. They are to assume a power to determine upon the rights of the people, and of their representatives, by no other rule, but that of their own inclination or discretion; and lastly, they are to attempt to persuade mankind, that they do all these things to vindicate their own honour, to express their respect for their King, and their zeal for the sacred names of their God, and their Religion. Thus are we to add hypocrisy to violence, and artifice to oppression; not remembering, that falsehood and dissimulation are only the wrong sides of good sense and ability, which fools put on, and think they wear the robe of wisdom. If the House of Commons shall suffer themselves to be made the instruments, in such hands, to carry such a plan into execution, they will fall into the lowest state of humiliation and contempt. An individual indeed may exempt himself from the disgrace attending it, but the dishonour and odium of it will cleave to that Assembly, which ought to be the constant object of public reverence and affection. I have done my duty in endeavouring to prevent it, and am therefore careless of the consequences of it to myself. I expect that what I have said will be misrepresented out of

this House, perhaps in that place, where of all others a misrepresentation of what passes here will be most criminal. Those who have heard me must know, that I have neither invidiously aggravated, nor factiously extenuated Mr. Wilkes's offences. If he shall commit fresh crimes, they will call for fresh punishment, the law is open, that law which is the security of us all, to which Mr. Wilkes has been, and certainly will be amenable. Let him undergo the penalties of that law, whatever they may be, but not of an undefined, discretionary power, the extent of which no man knows, the extent of the mischiefs arising from it, to every thing which is dear to us, no man can tell.

I feel that I have troubled the House too long, but this is no common Question, and I trust, that the same indulgence which has been my encouragement, will be my excuse and justification.

F I N I S.



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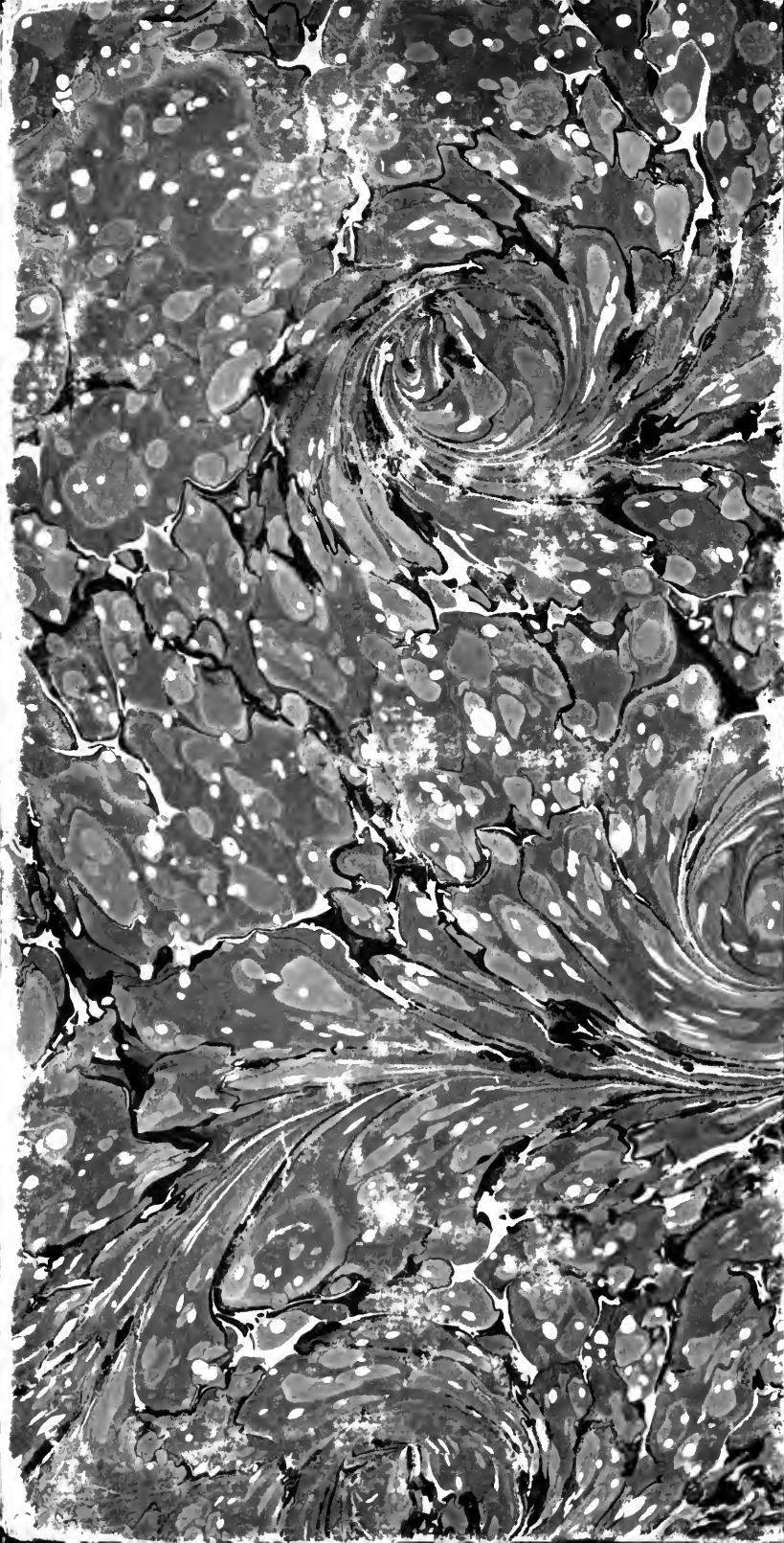
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